

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF STATEMENT OF CHARGES AGAINST

STEVEN R. MORRIS, D.O., RESPONDENT

FILE Nos. 03-13-410 & 03-13-713

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board) and Steven R. Morris, D.O., (Respondent), on December 11, 2015, and pursuant to Iowa Code sections 17A and 272C.3 enter into this Settlement Agreement to resolve this matter.

1. Respondent was issued Iowa medical license No. 04218 on July 15, 2011.
2. Respondent's Iowa medical license expired due to non-renewal on April 1, 2015.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.
4. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced family medicine in Des Moines, Iowa. Respondent is not practicing medicine at this time and has agreed not to practice medicine until he receives approval from the Board.
5. **Statement of Charges:** On March 6, 2014, the Board filed formal disciplinary

charges against Respondent which allege that he diverted drugs from patients for his own use on multiple occasions in 2013. A hearing was scheduled on May 15, 2014. On May 1, 2014, the hearing was postponed pending the outcome of a criminal investigation.

6. **Criminal Conviction:** On January 9, 2015, Respondent was convicted of obtaining or attempting to obtain a prescription drug (hydrocodone) by fraud, deceit, misrepresentation, or subterfuge (Iowa Code §155A.23, 155A.24, and 124.401(1)(c)(8), a Class C Felony, in the Iowa District Court for Polk County, following submission of a written plea of guilty. The criminal charges alleged that on December 17, 2013, Respondent diverted drugs from a patient for his own use. On February 23, 2015, Respondent was placed on probation for a period of three (3) years and ordered to pay a \$1,000 criminal penalty.

7. **Substance Abuse Treatment and Counseling:** Respondent has completed the following substance abuse treatment, counseling and monitoring:

- A. **Substance Abuse Treatment:** Respondent successfully completed in-patient substance abuse treatment.
- B. **Counseling:** Respondent has been participating in counseling with a psychiatrist with extensive experience in substance abuse treatment.
- C. **Alcoholics Anonymous/Narcotics Anonymous Meetings:** Respondent has been attending Alcoholics Anonymous/Narcotics Anonymous meetings.
- D. **Drug Screening:** Respondent has been participating in weekly drug screening.

SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the laws and rules governing the practice of medicine when he diverted drugs from patients for his own use on multiple occasions in 2013. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including revocation of his Iowa medical license.

9. **CIVIL PENALTY:** Prior to returning to the practice of medicine under his Iowa medical license, Respondent shall pay a **\$5,000 civil penalty**. The civil penalty shall be made payable to the Treasurer of Iowa and delivered to the Executive Director of the Board. The civil penalty shall be deposited into the State General Fund.

10. **PROFESSIONAAL ETHICS PROGRAM:** Prior to returning to the practice of medicine under his Iowa medical license, Respondent shall successfully complete the Professional/Problem Based Ethics (PROBE) program (303-577-3232). Respondent shall ensure that a report is sent directly to the Board. Respondent is responsible for all costs associated with the program.

11. **INDEFINITE PROBATION:** Respondent is placed on **indefinite probation** subject to the following terms and conditions:

A. **Board Monitoring Program:** Prior to returning to the practice of medicine under his Iowa medical license, Respondent shall establish a Board monitoring program with Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654. Respondent shall fully comply with all requirements of the Board

monitoring program.

- B. **Alcohol Prohibition:** Respondent shall not consume alcohol.
- C. **Controlled or Prescription Drug Use:** Respondent shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for Respondent's use by another qualified treating health care provider. Respondent shall provide the Board written notice within 72 hours of the use of any controlled or prescription drug. Respondent shall inform all treating health care providers of his history of substance abuse prior to receiving any prescription drug.
- D. **Drug Screening Program:** Upon returning to the practice of medicine under his Iowa medical license, Respondent shall fully comply with the Board's drug screening program. Respondent shall provide random blood or urine specimens when required. Respondent shall ensure that all urine samples are appropriately witnessed as required by the drug screening program. Respondent shall also provide random blood or urine specimens upon request by an agent of the Board. The specimens shall be used for drug and alcohol screening. Respondent is responsible for all costs associated with the Board's drug screening program.
- E. **Substance Abuse Meetings:** Upon returning to the practice of medicine under his Iowa medical license, Respondent shall attend at least three (3) Narcotics Anonymous meetings or other substance abuse meetings each week.

Respondent shall obtain documentation of his attendance and include copies of this documentation with his quarterly reports. Respondent shall have at least weekly contact with his sponsor.

F. **Substance Abuse Counseling:** Upon returning to the practice of medicine under his Iowa medical license, Respondent shall participate in Board-approved substance abuse counseling:

- 1) Respondent shall submit the name and CV of a qualified substance abuse counselor to the Board for approval.
- 2) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and as approved by the Board.
- 3) Respondent shall continue with counseling until discharged by the counselor and until Respondent's discharge from counseling is approved by the Board.
- 4) The substance abuse counselor shall submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of Respondent's probation.
- 5) Respondent is responsible for all costs associated with the Board-approved substance abuse counseling.

- G. **Aftercare Meetings:** Upon returning to the practice of medicine under his Iowa medical license, Respondent shall attend Board-approved substance abuse group aftercare meetings as determined by the aftercare counselor and the Board. The aftercare counselor shall submit written quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
- H. **Worksite Monitoring Program:** Upon returning to the practice of medicine under his Iowa medical license, Respondent shall fully comply with a worksite monitoring program with the Board:
- 1) Respondent shall submit the name of a physician who regularly observes and/or supervises Respondent in the practice of medicine to serve as his worksite monitor to the Board for approval.
 - 2) The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor.
 - 3) The worksite monitor shall provide a written statement indicating that they have read and understand this Order and agree to serve under the terms of this Order.
 - 4) The worksite monitor shall inform the Board immediately if there is evidence of substance abuse, drug diversion or unprofessional conduct.
 - 5) The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).

- 6) The worksite monitor shall submit quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
- I. **Quarterly Reports:** Upon returning to the practice of medicine under his Iowa medical license, Respondent shall file sworn quarterly reports with the Board attesting to his compliance with the terms and conditions of this Settlement Agreement. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of the Respondent's probation.
- J. **Board Appearances:** Upon returning to the practice of medicine under his Iowa medical license, Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 23.
- K. **Monitoring Fee:** Upon returning to the practice of medicine under his Iowa medical license, Respondent shall make a payment of \$200 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses. The Monitoring Fee shall be received with each quarterly report. The Monitoring Fee shall be sent to: Monitoring Coordinator, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine.
12. Respondent voluntarily submits this Order to the Board for consideration.

13. Respondent agrees that counsel for the State may present this Order to the Board.

14. This Order constitutes the resolution of a contested case proceeding.

15. By entering into this Order, Respondent understands that he has a right to legal counsel in this matter, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.

16. In the event Respondent violates or fails to comply with any of the terms or conditions of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 25.

17. Periods of residence or practice outside the state of Iowa or periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

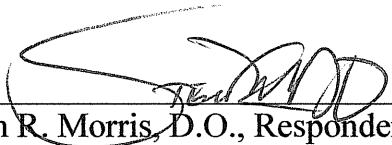
18. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

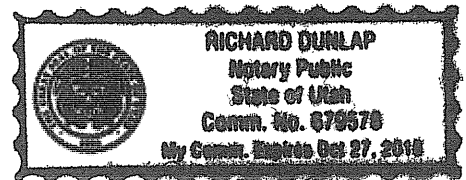
19. Respondent understands that the Board is required by federal law to report this Order to the National Practitioner Data Bank.

20. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

21. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

22. The Board's approval of this Order shall constitute a **Final Order** of the Board.



Steven R. Morris, D.O., Respondent —



Subscribed and sworn to before me on Oct 14, 2015.

Notary Public, State of Utah.

This Order is approved by the Board on December 11, 2015.



Hamad H. Tewfik, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

STEVEN R. MORRIS, D.O., RESPONDENT

FILE Nos. 03-13-410 & 03-13-713

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine on March 6, 2014, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2). Respondent was issued Iowa medical license number 04218 on July 15, 2011. Respondent's Iowa medical license is active and will next expire on February 1, 2015.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on May 15, 2014, before the Board. The hearing shall begin at 8:30 a.m. each day and shall be located in the conference room at the Board office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Statement of Charges you are required by 653 Iowa Administrative Code 24.2(5)(d) to file an Answer. In that Answer, you should state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on March 28, 2014, at 8:30 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 Iowa Administrative Code 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 Iowa Administrative Code 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Julie Bussanmas 515-281-5637.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 148, and 272C.

9. Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148, and 272C and 653 Iowa Administrative Code 25.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 653 Iowa Administrative Code 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. **Prescribing, Administering or Dispensing Drugs for other than a Lawful Purpose:** Respondent is charged pursuant to Iowa Code sections 148.6(2)(i) and 653 Iowa Administrative Code 23.1(7) with willfully or repeatedly violating a lawful rule or regulation adopted by the Board when he indiscriminately or promiscuously prescribed, administered or dispensed drugs for other than a lawful purpose.

COUNT II

12. **Unethical or Unprofessional Conduct:** Respondent is charged pursuant to Iowa Code sections 147.55(3) 148.2(g) and 272C.10(3) and 653 IAC 23.1(4) with engaging in unethical or unprofessional conduct. Engaging in unethical or unprofessional conduct includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee's practice or otherwise, and whether committed within this state or elsewhere; or a violation of the standards and principles of medical ethics or 653 IAC 13.7 or 13.20 as interpreted by the board.

COUNT III

13. **Substance Abuse:** Respondent is charged pursuant to Iowa Code sections 147.55(4), 148.6(2)(h) and 272C.10(4) and 653 IAC 23.1(6) with substance abuse. Substance abuse includes, but is not limited to, excessive use of alcohol, drugs, narcotics, chemicals or other substances in a manner which may impair a licensee's ability to practice the profession with reasonable skill and safety.

COUNT IV

14. **Practice Harmful or Detrimental to the Public:** Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(3) with engaging in practice harmful or detrimental to the public. Practice harmful or detrimental to the public includes, but is not limited to, the failure of a physician to possess and exercise that degree of skill, learning and care expected of a reasonable, prudent physician acting in the same or similar circumstances in this state, or when a physician is unable to practice medicine with reasonable skill and safety as a result of a mental or physical impairment or chemical abuse.

STATEMENT OF THE MATTERS ASSERTED

15. Respondent is an Iowa-licensed physician who formerly practiced family medicine in Des Moines, Iowa. Respondent is not practicing medicine at this time.

16. **Drug Diversion:** The Board alleges that Respondent violated the laws and rules governing the practice of medicine when he diverted drugs from patients for his own use on multiple occasions in 2013 including, but not limited to, the following:

- A. On or about May 7, 2013, Respondent asked a patient to bring her prescription for Clonazepam, a controlled substance, into him for a medication check. Respondent took the pill bottle containing the remaining pills from the patient and discarded the empty pill bottle in a sharps container. Respondent was unable to account for the missing pills. Staff subsequently found two other empty pill bottles for Clonazepam prescriptions in sharps containers at the clinic. Respondent had prescribed the Clonazepam to two other patients. Again, Respondent was unable to account for the missing pills.
- B. On or about December 17, 2013, Respondent prescribed Hydrocodone, a controlled substance, to a patient and asked the patient to return to his office for a medication check immediately after the patient filled the prescription at the pharmacy. When the patient returned, Respondent took the pill bottle from the patient, checked the medications and returned the pill bottle to the patient. The patient subsequently determined that several of the Hydrocodone pills had been replaced with extra strength acetaminophen. Respondent was unable to account for the missing pills.

- C. On or about December 26, 2013, Respondent prescribed Hydrocodone, a controlled substance, to a patient and asked the patient to return to his office for a medication check immediately after the patient filled the prescription at the pharmacy. When the patient returned, Respondent took the pill bottle from the patient, checked the medications and returned the pill bottle to the patient. The patient subsequently determined that several of the Hydrocodone pills had been replaced with extra strength acetaminophen. Respondent was unable to account for the missing pills.
- D. Respondent was interviewed by Board investigators while he was on duty on January 15, 2014. Respondent indicated that he had not taken Hydrocodone since 2012. Respondent was asked to provide a urine drug screen and he tested positive for Hydrocodone while he was on duty.

E. SETTLEMENT

17. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

F. PROBABLE CAUSE FINDING

18. On March 6, 2014, the Iowa Board of Medicine found probable cause to file this Statement of Charges.

A handwritten signature in black ink, appearing to read "G. Hoversten". The signature is fluid and cursive, with a large initial "G" and a stylized "H".

Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686